

VZCZCXRO3101
OO RUEHIK
DE RUEHKB #0136/01 0561321
ZNR UUUUU ZZH
O 251321Z FEB 10
FM AMEMBASSY BAKU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2442
INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUCNMEM/EU MEMBER STATES PRIORITY
RUEHAK/AMEMBASSY ANKARA PRIORITY 3812
RUEHVJ/AMEMBASSY SARAJEVO PRIORITY 0022
RUEHSQ/AMEMBASSY SKOPJE PRIORITY 0019
RUEHBW/AMEMBASSY BELGRADE PRIORITY
RUEHAD/AMEMBASSY ABU DHABI PRIORITY 0001
RUEHIT/AMCONSUL ISTANBUL PRIORITY 0220
RUEHDE/AMCONSUL DUBAI PRIORITY 0024
RHMFIUU/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY
RHMFISS/CDR USEUCOM VAHINGEN GE PRIORITY
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RUEKDIA/DIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 1577

UNCLAS SECTION 01 OF 11 BAKU 000136

SIPDIS

DEPT FOR EUR/CARC, EUR/PGI-JODY BUCKNEBERG, DRL, G/TIP,
G-LAURA PENA, EUR/ACE, INL, PRM

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [PREL](#) [PINR](#) [KTIP](#) [ELAB](#) [KMCA](#) [PREF](#)

KWNN, SMIG, KCRM, KFRD, ASEC, AJ

SUBJECT: AZERBAIJAN 2010 TRAFFICKING IN PERSONS REPORT

REF: STATE 2094

BAKU 00000136 001.2 OF 011

1. (SBU) Per reftel instructions, Embassy submits answers to reftel questions on Trafficking in Persons in Azerbaijan. Point of contact is Poloff Joanna Ganson and she can be reach by phone 994-12-498-0335, fax 994-12-465-6671, and email gansonjh@state.gov. Estimated number of hours spent on this report is poloff (FS-04) 50 hours, political LES (LES-9) 20 hours. Number/letter format follows that of reftel cable, per instructions.

2. (SBU) Summary: Anti-TIP efforts in the Republic of Azerbaijan are conducted under the direction of the Deputy Minister of Internal Affairs (MIA), Vilayet Eyvazov, who serves as the National Coordinator for the Fight Against Trafficking in Persons and the Anti-TIP Unit which was created in August 2006 and operates under the national coordinator's direction within the MIA. In comparison to previous years, the GOAJ has taken significant steps to increase efforts to combat TIP, including implementing a national referral mechanism (NRM) and a new set of indicators of trafficking. They have also improved channels of communication with both NGOs and IOs working in this field by reaching out to both for input on this new legislation. The government has also improved interagency communication on trafficking issues. Much work remains, however, in the areas of protection and prosecution. The government continues to dominate the area of victim protection through their direct funding of both the victim hotline and shelter, and these services continue to aid only a small number of people. The government still lacks the political will to investigate and prosecute large businesses which may have connections to trafficking. End Summary.

3. (SBU) THE COUNTRY'S TIP SITUATION

A. Comprehensive information on trafficking in persons is available upon request from the MIA anti-trafficking

department. This department launched a website during the reporting period, which has comprehensive information on TIP including statistics. The National Coordinator on combating TIP, Deputy Minister of Internal Affairs Vilayet Eyvazov, also makes a report on TIP to parliament at the end of every year. Other sources of trafficking information include yearly reports from international organizations ILO and OSCE. As part of its European Commission funded project, the Women's Bar Association put together a comprehensive report on the TIP situation in Azerbaijan. The Azerbaijan Migration Center, as part of the network of local NGOs NAHTA (Network Against Human Trafficking in Azerbaijan) will release its annual report on government anti-TIP efforts in March.

1B. Azerbaijan is a country of origin and transit, and increasingly a destination country. According to the GOAJ, 91 victims of trafficking were identified in 2009 (76 women, 11 men and four children). Most victims were from Azerbaijan however according to the MIA there were also four Uzbek citizens and one Georgian citizen of Azerbaijani ethnicity. NGOs report many more victims of trafficking in Azerbaijan however, including at least 700 men and three women who were ethnic Serbs and citizens of Bosnia, Serbia, and Macedonia. NGOs also report an increasing number of Chinese victims, both men and women, discovered during 2009. According to the GOAJ and to several local NGOs, the Azerbaijani exclave of Nakhchivan remains a transit point for women trafficked to Turkey. It should be noted that there was no reliable information regarding trafficking to, from, or through the Azerbaijani territory currently occupied by Armenian forces, including Nagorno-Karabakh. The GOAJ does not exercise control over this territory, but believes that the border between it and Iran is a center of trafficking.

BAKU 00000136 002.2 OF 011

According to the GOAJ, Azerbaijani victims were trafficked primarily by air to the United Arab Emirates, Pakistan, and Russia and by land to Turkey and Iran. For the first time, the GOAJ reported four cases of internal trafficking during 12009. Several NGOs and ILO believe that internal trafficking for both forced labor and sexual exploitation occurs within Azerbaijan on a larger scale but exact numbers do not exist. GOAJ also reported one case of forced labor during the year.

Of the 91 victims identified by GOAJ, four individuals were under the age of 18, 36 were between 18-25 years old, 39 were between 25-35 years old and 12 were over 35. Of these identified victims, all 80 females were trafficked for sexual exploitation while the 11 males were trafficked for labor exploitation.

1C. Trafficking for sexual exploitation both within and outside Azerbaijan occurs in motels, apartments and local sauna and massage parlors where prostitution also occurs. Trafficking for forced labor occurs in major construction projects in and around Baku, and with children forced to beg.

1D. It is difficult to identify vulnerable populations due to the overall lack of information on TIP crimes; however, it is believed that most victims are women who are lured abroad with offers of job opportunities. Both the GOAJ and local NGOs reported that traffickers are increasingly using the prospect of marriage to lure victims. This is often through religious marriages, which mostly occurs in Azerbaijan's southern regions. During the year, the GOAJ and NGOs increased their activities on preventing early marriage, including a large study of the topic sponsored jointly by UNICEF and the GOAJ State Committee on Family, Women, and Children's Affairs. Concrete data on the prevalence of early marriage is difficult to obtain, as the marriages are often conducted in the Muslim "kabin" (marriage contract) system and not officially registered, despite the obligation of the mullah recording the contract to do so. Still, survey respondents believe the prevalence of early marriage is growing in the country.

Women continue to be the group at the highest risk for trafficking based on the statistics provided by the GOAJ, with a growing concern that men are being targeted for exploitation of labor both within Azerbaijan and also to neighboring countries. There is no reliable source of information to indicate that refugees, orphans and other groups of economically disadvantaged people are at risk but members of civil society are concerned that these groups are being targeted with little effort by the GOAJ to prevent this.

¶E. Detailed information on traffickers is difficult to obtain. The GOAJ convicted 58 people of trafficking during ¶2009. These persons were largely women involved in small criminal groups, rather than large international criminal syndicates. In one large case of trafficking for forced labor, however, a company named SerbAz, which was registered in Russia and the Netherlands, transported over 700 people from Bosnia and Herzegovina, Serbia, and Macedonia to Azerbaijan. One alleged leader of this organization was already indicted for war crimes in Bosnia, and in January was arrested in Georgia and is awaiting extradition to Bosnia. In smaller-scale, local cases NGOs report that women recruited for sexual exploitation either through personal connections with the trafficker, who promises job opportunities abroad, or through deceptive newspaper or online advertisements. One local NGO reported two cases where child victims were sold by their families.

BAKU 00000136 003.2 OF 011

Unconfirmed reports from local NGOs include information of involvement of law enforcement officials in trafficking in persons within Azerbaijan. This is usually in the form of government officials controlling activities at brothels, motels and massage parlors/saunas where both prostitution and forced sexual exploitation occurs.

¶4. (SBU) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

¶A. The GOAJ recognizes that trafficking in persons is a problem.

¶B. In 2006 a national coordinator for the fight against trafficking in persons was created along with a separate Anti-TIP unit also formed to combat human trafficking in Azerbaijan. Both the national coordinator and Anti-TIP unit are under the authority of the Ministry of Internal Affairs (MIA). There is also a national government TIP working group that includes the Ministry of Internal Affairs, Ministry of National Security (MNS), Ministry of Foreign Affairs (MFA), Ministry of Youth and Sports, Ministry of Culture and Tourism, Ministry of Education, Ministry of Justice (MOJ), Ministry of Labor and Social Protection, Ministry of Health, the Prosecutor General's Office (PG), the State Committee for Family, Women and Children's Issues, the State Border Service, and the State Customs Committee. The National Coordinator, who is also a deputy minister in the MIA, chairs this working group and also has the lead for all TIP activities in Azerbaijan. On June 29 a separate working group composed of representatives of the MIA, MNS, MOJ, MFA, and PG was established to improve anti-trafficking legislation.

In August, a new inter-agency Task Group was established to implement the National Referral Mechanism (NRM). This Task Group includes designated representatives of the MIA, MNS, MFA, Ministry of Youth and Sports, Ministry of Culture and Tourism, Ministry of Education, MOJ, Ministry of Labor and Social Protection, Ministry of Health, the PG, the State Committee for Family, Women and Children's Issues, the State Border and Migration Services, and the State Customs Committee.

¶C. Corruption and a lack of political will are the largest problems in the government's ability to combat TIP. Corruption continues to be a problem throughout Azerbaijan including within the government. While there is no concrete evidence that shows GOAJ officials involved in human trafficking, the low salary level of these officials increases the likelihood of bribery or other forms of corruption. Similarly, the high level of corruption generally in the country leads to a lack of political will on the part of the MIA to investigate TIP cases fully and to pursue high-level prosecutions.

Unlike in previous years, adequate funding no longer appears to be a problem. The MIA Anti-Trafficking Department reports that its budget is more than adequate and can be increased as needed. The Ministry of Labor and Social Protection opened its first assistance center for the rehabilitation of TIP victims this year, and plans to open four more centers throughout the country in the coming months. So far 42 people were given vocational training at this center, and 19 provided with jobs. In addition, a section of the MIA-funded shelter for victims was renovated for the exclusive use of children and officially opened in September. During the reporting period 4 children were housed in this shelter.

Coordination among the ministries and agencies working on TIP is improving, but remains low and unorganized. The national

BAKU 00000136 004.2 OF 011

government's TIP working group met four times in 2009, one more than the legally required three. There are now designated contacts in each Ministry for TIP issues, unlike in previous years.

¶D. The GOAJ periodically provides statistics and updates on anti-TIP efforts to the USG and other international partners, however, detailed reports including information on individual cases are not available. The Anti-TIP Unit conducts weekly meetings with section heads and the analytical section prepares weekly, monthly and quarterly reports to assist with data review. The GOAJ claims to conduct annual performance evaluations of its investigators however the lack of clarity with their responses suggests otherwise. All assessment information is disseminated by the national coordinator and the head of the Anti-TIP Unit who provides press releases and interviews highlighting anti-TIP efforts.

¶E. By law, local officials are supposed to register all births, deaths, and marriages. However, in practice bureaucratic hurdles and petty corruption prevent some people from registering these events. Due to political sensitivities surrounding the conflict over Nagorno-Karabakh, no census has been taken in Azerbaijan since its independence from the Soviet Union in 1991.

¶F. The MIA Anti-TIP Unit collects comprehensive statistics on its law enforcement activities. These statistics are not all public, however, so it is hard to judge where the gaps may lie. Judging by the generally poor level of coordination among different parts of the GOAJ, compiling data across the scope of law enforcement agencies is probably difficult. The National Referral Mechanism may help with this effort.

¶5. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶A. In February 2009, the GOAJ passed a new National Action Plan (NAP) for the period of 2009-2013. This new NAP updates the previous legislation on the Fight Against Trafficking in Persons and includes article 144.1 (trafficking for sexual exploitation) and article 144.2 (trafficking for forced labor) of the Criminal Code. The new NAP was written in close consultation with the international community and local NGOs and as such, meets international standards and covers a plethora of TIP circumstances.

As part of the new NAP, on August 11, 2009 the Cabinet of

Ministers adopted a decision creating a National Referral Mechanism (NRM) for victims of human trafficking. As stated in the NRM decision, "the primary objective of the NRM on victims of human trafficking is to create an effective system and to form rules in the field for the protection of victims' rights, their handover to the relevant authorities, provision of their safety, repatriation and social rehabilitation." It creates an interagency committee as described above that meets at least once a year. It provides for free legal, medical, psychological, and financial assistance to victims and protects their confidentiality. It also allows victims to file civil suits for compensation. It also tasks different Ministries to participate in provision of the victim's safety and their rehabilitation into society and the labor market.

On September 3, 2009 the Cabinet of Ministers also passed a decision ratifying the "Rules for identification of victims of human trafficking (indicators)," as also envisioned in the NAP. This document serves as a reference checklist for law enforcement and other agencies to help them identify victims of trafficking in order to refer them to proper services, as outlined in the NRM. This document defines "trafficking in persons" as "the recruitment, transportation, transfer,

BAKU 00000136 005.2 OF 011

harboring, or receipt of persons, by means of the threat or use of force or other means of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation under Article 3 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs." Both the OSCE and ILO had encouraged Azerbaijan to create such a document, and have largely approved of the decision as passed.

The law itself, as passed in 2005, bans trafficking for the purposes of human exploitation, which includes a broad range of activities including sexual exploitation, forced labor, slavery, recruitment for unlawful activity, etc. The law does not require that the activity involve crossing international borders. The law also sets out an ambitious program that relevant authorities within the GOAJ must undertake in order to investigate, prosecute, and prevent trafficking, as well as provisions for victim protection and rehabilitation.

Prior to the law's passage and adoption of Criminal Code amendments, traffickers were convicted under the country's laws that covered trafficking-related crimes. Outside of the law specifically criminalizing TIP, traffickers may be prosecuted under articles prohibiting slavery, rape, forced prostitution, sexual coercion, operation of brothels, the trade and transit of minors, and involvement of minors under the age of 16 in sexual coercion, prostitution or other obscene acts, and travel document forgery. Taken together, these laws encompass the full scope of possible trafficking activities.

In February 2008, as a result of the national TIP working group's recommendation, the Cabinet of Ministers approved the order on "Rules for Immediate and Unconditional Referral to Anti-TIP Unit." This order requires that all relevant law enforcement agencies must refer trafficking cases to the Anti-TIP unit and that this unit has sole jurisdiction over the investigation of these cases including traffickers and victims.

The above represents a full inventory of trafficking laws in Azerbaijan, with the relevant penalties described below. The

2005 TIP legislation included, for the first time, the possibility of confiscation of property. Roughly equivalent to a civil forfeiture law, this provision is included in the Criminal Code.

1B. The October 2005 Criminal Code established the following penalties for human trafficking without distinction as to the type of human trafficking:

- Trafficking of one human being is punishable by five to ten years' imprisonment and confiscation of property.
- Trafficking of more than one person, committed repeatedly, or with various special circumstances is punishable by eight to 12 years' imprisonment with confiscation of property.
- Trafficking which results in the death of a victim or other grave results due to negligence is punishable by ten to 15 years imprisonment with confiscation of property.

The Criminal Code also outlines penalties for dissemination

BAKU 00000136 006.2 OF 011

of confidential information, which can be applied to dissemination of information about a TIP victim. The penalty is a fine of 100 - 500 manat (approximately 125-625 USD); up to 240 hours of community service; or up to one year of correctional labor. Should the same act be committed by a person using his or her official status, the fine is increased to 500 - 1,000 manat; one year of correctional labor; or up to six months' imprisonment. If the same actions include grave results, the punishment is one to five years' imprisonment.

1C. Trafficking for labor exploitation, like other forms of trafficking, is punishable as human trafficking under the Criminal Code, with penalties as described above. Employers and labor agents who confiscate workers' passports and keep workers in a state of service within Azerbaijan are convicted under the separate article on forced labor. This is punishable by up to two years of correctional work or conditional imprisonment, unless it is organized and carried out by a group, which the law considers an aggravating circumstance, increasing the punishment to three to five years of imprisonment. In 2009 the GOAJ reported three cases of labor trafficking.

1D. Under the Criminal Code, traffickers prosecuted for sexual violence (which can include rape, compulsion to prostitution, compulsory sterilization or commitment against persons of other actions connected to sexual violence) may receive a jail sentence of ten to 15 years or life imprisonment. Rape itself is punishable by four to 15 years. Violent actions of a sexual nature carry a sentence of three to eight years, or up to 15 if the victim is a minor, dies, or contracts HIV. Coercion into sexual actions is punishable by a fine, corrective labor, or imprisonment up to three years. The harsher possible sentences are in line with the penalties for sex trafficking.

1E. During 2009, the GOAJ reported that it identified 80 instances of human trafficking leading to the opening of 56 criminal cases against 70 people. 3 of these cases were related to labor trafficking, while the rest were to trafficking for sexual exploitation. 49 of these cases have been sent to court and seven cases were still under investigation at year's end. In these 49 cases, 58 individuals were convicted of trafficking. Of these 58 persons, 9 persons were sentenced to 3 years' imprisonment; 19 individuals were sentenced to imprisonment from 3 to 5 years; 6 persons for 5 to 8 years' imprisonment; 4 persons from 8 to 10 years' imprisonment; 3 persons 10 years' imprisonment; and 16 individuals received conditional sentences of 1 to 3 years due to mitigating circumstances such as having small children or cooperating with the criminal investigation. In addition to imprisonment, three

persons also faced financial penalties, including confiscation of property and fines. In no case did a court impose a punishment of a fine only.

¶F. Anti-trafficking unit staff have participated in training courses and seminars organized by the European Union, ILO, OSCE, and the IOM. Several of these courses have involved travel abroad, including to Austria, Switzerland, Serbia, Finland, Ukraine, Georgia, Hungary, Russia, and Turkey to learn best practices. With ILO support, the MIA also hosted two conferences to explain the NRM to Azerbaijani government and NGO partners. In addition, the Anti-TIP Unit conducted training in coordination with three NGOs in 15 regions during 2009 for local police officers on how to deal with TIP victims.

The State Department can no longer train MIA officials through INL, as the MIA has refused to sign an Letter of

BAKU 00000136 007.2 OF 011

agreement with INL because of differences over Leahy human rights vetting requirements. However, through funding to the IOM, the USG has trained shelter and hotline personnel and worked to expand and develop the network of anti-trafficking NGOs. In addition, the U.S. Embassy's Resident Legal Advisor conducted training, in cooperation with the IOM, for judges and prosecutors on treatment of TIP victims.

¶G. The GOAJ has signed bilateral extradition agreements with Turkey, Pakistan and UAE. The GOAJ also reports that during 2009 cooperation with the government of Ukraine stopped an international organized crime group that was trafficking human organs. In general, however, the GOAJ has done little to cooperate with other countries on TIP investigations and prosecutions, a weakness that was particularly evident in a case labor trafficking involving largely Bosnian citizens. Despite having provided contact information to the MIA for the relevant authorities in Bosnia, the Embassy has no indication that the MIA or any part of the GOAJ made contact with the Bosnian government to cooperate on the case. MIA and the Presidential Law Enforcement Adviser both told the Embassy that they are ready to cooperate on this case, but they have not initiated contact with Bosnia or Serbia.

¶H. As mentioned above, the GOAJ is not currently working with any other countries to extradite citizens from Azerbaijan. In principle, the GOAJ allows for the extradition of Azerbaijani nationals to other countries where a crime was committed; however the GOAJ has said it has no prior experience with this situation. According to its procedures the GOAJ considers the place of origination for trafficking as the jurisdiction under which traffickers should be prosecuted. This means if an Azerbaijani citizen committed a crime in a different country and returned to Azerbaijan, the GOAJ would extradite that person if there was an extradition agreement in place.

¶I. The GOAJ reported that there were no government officials involved in trafficking nor were there any investigations opened into possible involvement of trafficking by a government official.

Several local NGOs allege that police control many, if not most, of the saunas, motels and massage parlors in Baku and the regions where prostitution and possibly trafficking occur. However, we have no evidence of official investment or direct involvement in these businesses.

The GOAJ reported that investigations on law enforcement officials are conducted internally by the MIA itself and by the Ministry of National Security. No details were provided as to how these investigations are conducted and by whom. Corruption is so widespread in government and police structures that it appears very unlikely that there is no involvement by official persons in trafficking offenses.

The GOAJ reported that the 2007 case involving several airport officials accused of trafficking was closed. The investigation and trial yielded one conviction of an official for treason.

In a case wherein a deputy police chief was alleged to be involved with trafficking, a well-known NGO conducted an independent investigation and concluded that there was no trafficking. According to the GOAJ, this case was investigated and no police involvement in any criminal activity was discovered. The case is still in court proceedings.

¶J. As mentioned above, there were no criminal cases against government officials alleging involvement in trafficking in

BAKU 00000136 008.2 OF 011

¶2009. The GOAJ has indicated its willingness to pursue investigation of any official accused of complicity in trafficking.

¶K. This paragraph does not apply to Azerbaijan.

¶L. This paragraph does not apply to Azerbaijan. There is no evidence of child sex tourism in Azerbaijan.

¶6. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

¶A. The Law on Trafficking passed in 2005 provides for relief from deportation for up to one year for victims who are not Azerbaijani citizens. If a victim cooperates in the investigation, the victim is entitled to stay until the court case is completed. A victim can also apply for immigrant status. Low-level traffickers who testify against other traffickers may also be eligible for lighter sentences, similar to a plea bargain.

¶B. In October 2006, the GOAJ opened a permanent shelter for TIP Victims which is now fully renovated and operational. The shelter has the capacity to handle 45 people at one time and provides access to legal, medical, and psychological services for TIP victims. Families of underage TIP victims can also be housed in the shelter.

Victims are allowed to stay in the shelter for an initial 30 days and may reapply to the shelter director for additional one month periods. The shelter is run by a local NGO closely associated with the GOAJ and which primarily receives funding from the GOAJ. There are limited medical facilities on site but the shelter has an agreement with a nearby hospital to treat victims in need of medical attention. The GOAJ also arranges legal, medical and psychological assistance to victims if the victim requests it. Local NGOs report that many victims prefer to seek shelter through friends or other NGOs that are viewed as more independent from the GOAJ. The GOAJ reported that it housed 48 victims in this shelter during 2009.

In October 2009 the GOAJ opened a separate section of the shelter specifically devoted to children. This facility has a different entrance from the adult facility and was renovated to accommodate children's needs, including a play room, school room, and specialized kitchen facilities. During 2009 4 children were housed in this shelter.

In February 2008, the GOAJ also opened a national TIP hotline that is funded by the GOAJ and run by a local NGO. The GOAJ, in cooperation with the IOM TIP advisor, created a poster advertising the hotline number and distributed to NGOs and government agencies working on TIP.

During 2009 the Ministry of Labor and Social Protection opened an Assistance Center for TIP Victims. This center provides free-of-charge vocational training, such as English language and computer courses, to TIP victims. The center also provided job placement services and advice on starting a business. The center also provides psychological counseling.

The center's physical location within the Ministry of Labor can be intimidating for some victims, however, and the Ministry is looking to relocate it, as well as open new centers in the regions.

The GOAJ reports that it has a budget of 500,000 manat (approximately 625,000 USD) for victim assistance, and that this budget can be increased as needed.

¶C. The GOAJ provides trafficking victims with access to legal, medical, and psychological services through the shelter and assistance center.

BAKU 00000136 009.2 OF 011

The GOAJ signed an MOU with a coalition of NGOs working on TIP issues. In cooperation with the State Support Council for NGOs, 50,000 manat (60,975 USD) was provided to anti-trafficking NGOs. Some other NGOs who are more critical of the GOAJ's TIP efforts are not able to receive funding, however.

¶D. The GOAJ assists foreign trafficking victims by allowing them to remain in Azerbaijan for one year before deportation. They are also eligible to apply for immigration status.

¶E. According to the NAP, the GOAJ is responsible for rehabilitating TIP victims. Actual efforts in this area is low, but has improved during the year. One assistance center was opened in Baku and is now fully operational. There are no long term housing or living assistance benefits for TIP victims, however.

¶F. As explained above, the GOAJ adopted a National Referral Mechanism on August 11, 2009. On paper, the NRM meets most international standards and was reviewed positively by the OSCE and ILO. However, in the large case of Bosnian and Serbian labor trafficking victims, the GOAJ did not implement the NRM, despite its promises to do so. This is largely due to the fact that the MIA declared the case not to be related to trafficking. On smaller, less politically sensitive cases, however, the NRM should be easily implemented, as its provisions were already in place before the official decision was passed by the Cabinet of Ministers.

¶G. The GOAJ identified 91 trafficking victims for 2009, 80 of whom were victims of sexual exploitation and 11 of whom were victims of forced labor. Of these, 48 were referred by law enforcement officials to the government shelter.

¶H. As explained above, on September 3, 2009 the Cabinet of Ministers issued a decision outlining a comprehensive set of rules for identifying trafficking victims. The OSCE and ILO supported the creation of these rules and have given them overall positive reviews.

Prostitution is not legal in Azerbaijan.

¶I. The Embassy has received no reports of trafficking victims being jailed. The GOAJ reported that former victims of trafficking have been convicted for involving others in prostitution, but we have no evidence that victims of trafficking have been prosecuted for violations of the law because of their actions while being trafficked.

¶J. The GOAJ encourages victims to assist in the investigation and prosecution of traffickers. The GOAJ reported that all 91 victims it identified assisted law enforcement officials with their investigations. The TIP law permits a victim to gain employment elsewhere if he or she is a witness in a case against a trafficker; it also permits a victim to remain in the country if he or she wishes. Trafficking victims are legally allowed to file civil suits or seek legal action against the traffickers, and can be provided with legal assistance to do so. There are no restrictions on a witness' actions during a court case.

¶K. In February, April, and September 2009 the Anti-TIP Unit conducted training on anti-TIP efforts and trafficking prevention for law enforcement personnel. In May 2009 the Unit conducted training for judges on the protection of TIP victims. Under the GOAJ's TIP legislation, Azerbaijan's embassies and consulates are instructed to provide quickly the necessary documentation for victims abroad to return to Azerbaijan. There were no instances of embassies or

BAKU 00000136 010.2 OF 011

consulates providing or denying assistance to trafficking victims during the reporting period.

¶L. The GOAJ provides medical assistance and shelter to repatriated victims at the TIP victims' assistance shelter. Victims of trafficking are entitled to financial compensation under the TIP law.

¶M. The OSCE Office in Baku conducts training on combating TIP for law enforcement personnel. IOM conducts substantive research on the trafficking problem in Azerbaijan and also works directly with victims. The USG, IOM, ILO and OSCE provide guidance and conduct anti-TIP programs. ILO organized two workshops regarding the NRM and Indicators of Trafficking that was attended by local NGOs, IOs and GOAJ officials from the relevant agencies. ILO has also created a steering committee for their Anti-TIP program consisting of members from these same organizations. There are a number of domestic NGOs that also deal with the problem of trafficking, including Clean World, the Women's Crisis Center, the Center for Legal Assistance to Migrants, Symmetry, the Forum of Azerbaijan NGOs on Migration (FANGOM, a network of 35 NGOs), and the Azerbaijan Children's Union. There are also several regional NGOs that concentrate on trafficking programming. These NGOs serve primarily as contact points for at-risk populations and engage in some information campaigns about the dangers of trafficking. Two of these organizations also informally shelter local and foreign trafficking victims. The Center for Legal Assistance to Migrants provides free legal services to trafficking victims and works with other NGOs to coordinate services. The Women's Crisis Center operates a crisis hotline and provides free legal, psychological, and medical services. The Women's Bar Association has conducted a large project on combating TIP during 2009, funded by the European Commission. This project included media and court monitoring, prevention seminars in regions, posters and other awareness raising advertising, and provision of free legal assistance to victims.

¶7. (SBU) PREVENTION

¶A. In 2009 the GOAJ, together with several NGOs dealing with trafficking, conducted seminars for representatives of local authorities, police bodies, medical, educational and employment centers, and transport, youth, and sport organizations in 58 cities and regions throughout the country to examine the causes and conditions of trafficking crimes and to raise awareness among the youth, the local executive authorities, municipalities and local police officers of these regions. The hotline staff held events in 22 secondary schools and broadcast advertisements on the radio.

In addition, the GOAJ conducted awareness campaigns in mass media, including in major newspapers and magazines and through television and radio public service announcements. The MIA's new website also was updated regularly with information on trafficking.

¶B. The GOAJ does not actively monitor immigration and emigration patterns for evidence of trafficking. The State Migration Service is responsible for tracking and issuing work permits issued to foreigners. However, there is no separate department within this agency trained in identifying trafficking victims.

¶C. The GOAJ coordinates communication between various government bodies and international institutions. The multi-agency task force is headed by the National TIP Coordinator, who is also the Deputy Minister of Internal Affairs. The task force is composed of department heads from the Ministries of Justice, National Security,

BAKU 00000136 011.2 OF 011

Labor and Social Welfare, Youth and Sport, Culture and Tourism, Economic Development, and Health, as well as the Prosecutor General's Office, the President's Office, the State Border Service, and the State Customs Committee. The National Coordinator serves as the single point of contact for anti-TIP efforts.

¶D. In February 2009, the GOAJ adopted an updated National Action Plan (NAP) that will cover the period from 2009 to ¶2013. This plan was developed in close coordination with international organizations and NGOs. Several roundtables were held by the GOAJ that involved representatives from IOs, embassies, NGOs and the media and the GOAJ incorporated many of the suggestions provided by these organizations into the final legislation. Most NGOs and IOs agreed that the relationship with the GOAJ was much more cooperative in comparison to previous years. The NAP is already in effect and will be implemented by the Cabinet of Ministers and coordinated by the national coordinator at the MIA.

¶E. The GOAJ has attempted to reduce the demand for commercial sex acts through a combination of law enforcement and improved social programs for unemployed and low-income groups. The GOAJ has targeted brothels, hotels and saunas for sting operations to identify and arrest those involved in prostitution or other illegal sexual activities. The GOAJ also passed several laws on social assistance and poverty reduction with the aim of reducing the likelihood of involvement in this field by vulnerable groups.

¶F. The GOAJ has taken no specific steps to reduce participation in international child sex tourism by nationals of Azerbaijan, although there is no evidence that this is a problem.

¶G. This question is not applicable to Azerbaijan.

¶8. (SBU) PARTNERSHIPS

¶A. The GOAJ takes the lead on Anti-TIP efforts. However, relations with NGOs, IOs and other civil society organizations are mixed. The GOAJ has shown a willingness, and sometimes an eagerness, to cooperate on training programs with IOs and the USG as well as providing access to statistical data. However, access to Anti-TIP staff and detailed information on individual cases is difficult. Meetings with Anti-TIP unit staff require written approval from the national coordinator, although the national coordinator has been more open to allowing these meetings in 2009 than in previous years. There is the belief among domestic NGOs and IOs that the government cooperates more with friendly NGOs and keeps at a distance those they consider to be opposition organizations. There was a credible report of the GOAJ refusing to attend TIP training because one of the presenters was considered to be a member of such an opposition organization.

¶B. The GOAJ does not provide any assistance to other countries to address TIP.

LU